

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

No. 4:07CV1568 TIA

RAYMOND BARTOE,)
)
Plaintiff,)
)
v.)
)
MISSOURI BARGE LINE COMPANY, INC.,)
d/b/a NORTHERN AMERICAN BARGE)
LINE INC.,)
)
Defendant.)

MEMORANDUM AND ORDER

This cause is before the Court on Defendant's Motion to Dismiss or Transfer Venue to the Southeastern Division of the Eastern District of Missouri (Docket No. 3). The parties have consented to the jurisdiction of the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

On October 5, 2007, the parties filed a Memorandum to the Court apprising the undersigned of their stipulation to the instant action being transferred to the Southeastern Division United States District Court , Eastern District of Missouri. Plaintiff Bartoe seeks relief under the Jones Act and the general maritime law for injuries sustained during the course of his employment as a deckhand on Defendant's vessel as it traveled the Mississippi River near Cape Girardeau County, Missouri.

Local Rule 2.07 governs divisional venue. Rule 2.07(B)(1) provides in relevant part that “[a]ll actions brought against a single defendant who is a resident of this district must be brought in the division where the defendant resides or where the claim for relief arose.” A review of the record shows that Defendant resides in Cape Girardeau and the claim arose there. Accordingly, venue in the instant action is proper in the Southeastern Division.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss or Transfer Venue (Docket No. 3) is Granted. The Clerk shall transfer the instant case to the Southeastern Division of the Eastern District of Missouri.

Dated this 16th day of November, 2007.

/s/ Terry I. Adelman

UNITED STATES MAGISTRATE JUDGE